

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Subodh A. Samuel et al.	Art Unit	: 2152
Serial No.	: 10/092,181	Examiner	: Lan Dai Thi Truong
Filed	: March 5, 2002	Conf. No.	: 7558
Title	: SYSTEM AND METHOD FOR ENTERPRISE SOFTWARE DISTRIBUTION		

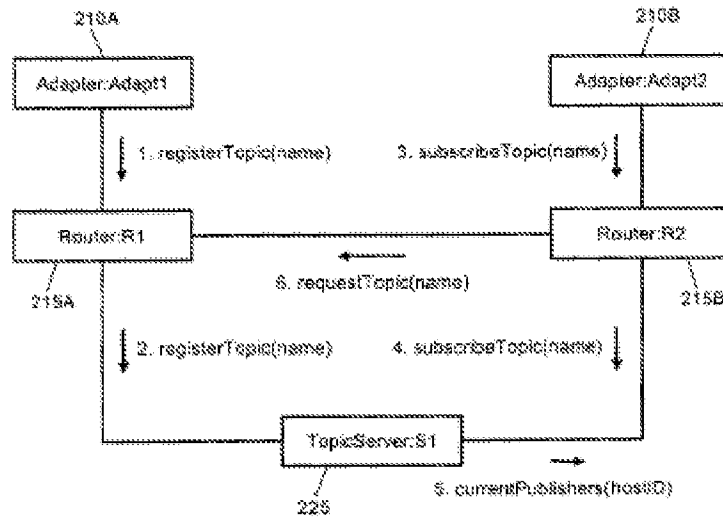
**Mail Stop Appeal Brief - Patents**

Commissioner for Patents  
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REPLY BRIEF

Pursuant to 37 C.F.R. § 41.41, Applicants respond to the Examiner's Answer by respectfully noting that the Examiner improperly analyzes Applicants' claims, ignoring several limitations that clearly differentiate the present disclosure from *Kovarik*, the primary reference cited.

First, nowhere does *Kovarik* teach or disclose claim 1's limitation that "the message is distributed to the one or more application layer routers *in response to at least the one or more application layer routers registering with the application server to receive messages.*" In rejecting Applicants' arguments, the Examiner equates the functionality of the claimed application server with *Kovarik*'s message adapters (renamed "message publishers" by the Examiner), stating that the message adapters, through connections within the system, distribute messages to other message adapters (renamed "message subscribers" by the Examiner), wherein the subscribing message adapters are further equivalent to the endpoints of the present disclosure. *Examiner's Answer*, Page 17. FIG. 2 of *Kovarik* illustrates the so-called "message publishers" 210A, message routers 215A and 215B, and "message subscribers" 210B as follows:



**FIG. 2**

The message adapters 210A and 210B of *Kovarik* are communicatively linked to message routers 215A and 215B, which receive requests from the message adapters to register and unregister certain message topics (e.g., message 1 sent from adapter 210A to router 215A), as well as to subscribe to and unsubscribe from selected message topics (e.g., message 3 sent from adapter 210B to router 215B). *Kovarik*, col. 4, lines 40-43; col. 6, lines 13-22. More specifically, *Kovarik* discloses that a first message adapter 210A may register message topics with a first message router 215A for future publishing of data corresponding to the previously registered message topic. *Kovarik*, FIG. 2, elements 210A and 215A; col. 6, lines 54-57. A second message adapter 210B may then register with a second message router 215B in order to subscribe to messages from the first message adapter 210A. *Id.* at FIG. 2, elements 210A, 210B and 215B; col. 7, lines 10-18. As previously stated, the Examiner equates the publishing message adapter 210A to claim 1's application server, while simultaneously equating the subscribing message adapter 210B to claim 1's endpoints. *Examiner's Answer*, Page 17. As illustrated by FIG. 2 and its accompanying description, *Kovarik* fails to teach that the "application layer routers register[] with the application server to receive messages" as required

by claim 1. In fact, if the Examiner's mapping of *Kovarik*'s components to the claimed elements is assumed to be correct, *Kovarik* actually teaches the opposite of this claim limitation, describing that the message adapter 210A (or application server) registers with the message router 215A (or application layer router) to indicate that the message adapter 210A will provide messages on a certain topic. *Kovarik*, FIG. 2, elements 210A and 215A; col. 6, lines 54-57. For the system described in the cited reference to teach the claimed invention, however, would require instead that the message router 215A (or application layer router) register with the message adapter 210A (or application server). This distinction clearly differentiates the limitations of claim 1 from the teachings of *Kovarik*.

Claim 1 further includes a limitation that messages are distributed from the application server to one or more application layer routers through one or more first channels *selected from a first channel layer*, and from the one or more application layer routers to one or more endpoints through one or more second channels *selected from a second channel layer*. The Examiner argues that *Kovarik* discloses these limitations by the description of communication links between the publishing message adapters and message routers (interpreted as the "first channel") and between the registered message routers and the subscribing message adapters (interpreted as the "second channel"). *Examiner's Answer*, Page 19. This assumption disregards a clear distinction between the first and second channel layers of Applicants' claims and the connections of *Kovarik* that the Examiner equates to channels. Specifically, claim 1 refers to two distinct channel layers over which the message is distributed. As illustrated by the claim language, the first channel layer exists as the connections between the application server and the application layer routers, while the second channel layer is formed by connections between the application layer routers and the endpoints. *Kovarik*, on the other hand, merely discloses a single channel layer for message distribution, the layer encompassing the connections between the message adapters and message routers. *Kovarik*, col. 7, lines 57-64; FIG. 2, elements 210A, 210B, 215A, and 215B.

Although the Examiner attempts to distinguish *Kovarik*'s message publishers and message subscribers as separate locations, *Kovarik* actually discloses that the message adapters perform dual roles as both the message publisher and the message subscriber in their normal

operations. *Id.* at FIG. 1, element 110; col. 5, lines 55-59; col. 5, line 65 – col. 6, line 6. Therefore, the connections cited by the Examiner merely illustrate a single channel layer composed of the connections between the one or more message adapters and the one or more message routers. As such, the Examiner's assertion that *Kovarik* teaches or suggests a first and second channel layer incorrectly analyzes the cited reference and fails to provide support for the assertion that the reference anticipates the first channel layer and second channel layer limitations.

For these reasons, and the reasons stated in the Appeal Brief, Applicant submits that the final rejection should be reversed.

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Respectfully submitted,

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